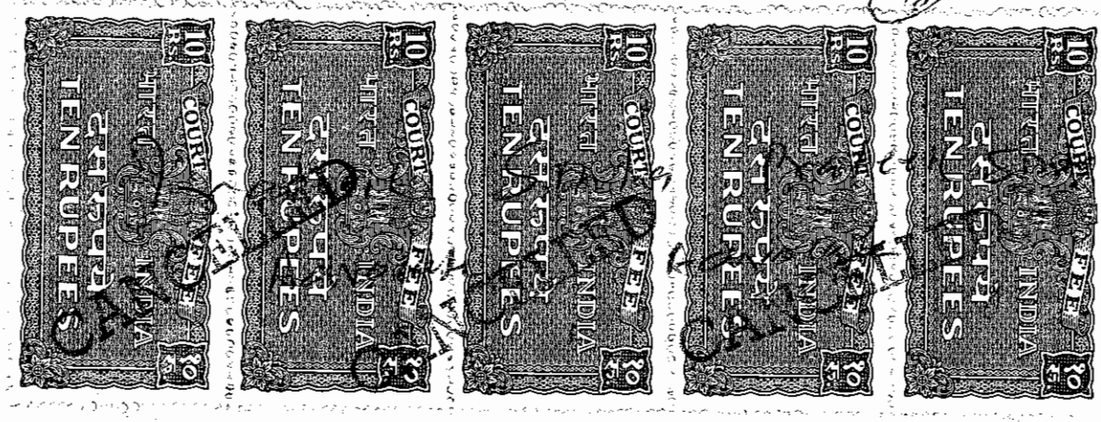

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

W.P NO: 2191/2002

PETITIONER : BHAG BALI DHRUW
S/o Parasram Dhruw,
Aged about 35 years
Sarpanch, Gram Panchayat, Murra,
Dist. Raipur, Chhattisgarh.

Versus

RESPONDENT : 1. State of Chhattisgarh through
Secretary, Deptt of Panchayat and
Social Welfare, Raipur,
Chhattisgarh.

2. The Additional Collector,
Raipur, Chhattisgarh.

3. Sub Divisional Officer (Revenue)
Raipur, Chhattisgarh.

4. Sri Tulsi Ram Verma,
S/o Sukram Verma

5. Shri Kapil Verma,
S/o Sonchand Verma
Both resident of Gram Murra,
Dist. Raipur, Chhattisgarh.

P. R. No. 2209/02
Presented by Shri ...
dated 23/10/02

Writ Petition under Article 226/227 of the Constitution of India for issuance of appropriate Writ, Writs, direction etc.

CERTIFIED COPY

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(34)

आदेश पत्रक

मामला क्रमांक W.P.(C)-2121/02 सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	19-12-2002 Shri Manindra Shrivastava, counsel for the petitioner. Shri Ranbir Singh, G.A. for the respondents No.1, 2 & 3. Shri Kishore Bhaduri, counsel for the respondents No.4 & 5. Heard. The petitioner was the Sarpanch of Gram Panchayat, Murra, Vikas Khand, Tilda & Distt. Raipur and on the basis of some allegations an enquiry was held, which ultimately led to his removal from the office. The petitioner had preferred an appeal against the order of the competent authority before the respondent No.2 – Additional Collector, Raipur, who refused to stay the order of the competent authority. Aggrieved therewith the petitioner has approached this Court for relief. Relying on the decisions in the case Kailash Kumar Parmanand Dangi Vs State of M.P. and others of reported in M.P. Law Journal 1999 (2) 722 & **Raja Raj Singh Vs State of M.P. and others** reported in M.P. ,High Court Today 2000 (1) 490, learned counsel for the petitioner submits that before passing the impugned order proper opportunity of hearing has not been given nor the copy of the enquiry report has been supplied to the petitioner, though that has been relied upon by the competent authority. Under the facts and circumstances, it is stated that the lower Court was not justified in not staying the impugned order. -2-	

[पीछे देखिये

XI-HC-22

(40)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP No. 2191/02 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Admittedly, the order of removal has been passed and vide resolution of Panchayat and subsequent thereto an order has been passed asking the Up-sarpanch to discharge the duties of the Sarpanch. In view of the limited prayer made in this petition, no useful purpose would be served in keeping it pending, as the same can be disposed of at the admission stage by issuance of appropriate orders. The learned counsel for the petitioner and State counsel have no objection if the petition is disposed at this stage.

In the above view of the matter, the petition is disposed of by directing the respondent No.2- Additional Collector, Raipur to try and dispose of the appeal at an early date and it is further directed that in the meantime fresh elections for the post of Sarpanch shall not be held and the Up-sarpanch, who has been directed to discharge the duties of the office of Sarpanch shall continue to do so.

With the above observations, the petition stands disposed of. Consequently M.W.P. No.1257/2002 for interim relief & I.A. No.7043/2002 for urgent hearing are also stand disposed.

Certified copy as per Rules.

Sd/-
P.C NAIK
Judge

Roshan

[पीछे देखिये